UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/838,933	04/20/2001	Warren Keith Edwards	D/A1083 (1508/3280)	1180

7590 03/30/2004	EXAMINER
Gunner G. Leinberg, Esq.	HAMILTON, MONPLAISIR G
Nixon Peabody LLP	

	ART UNIT	PAPER NUMBER
Clinton Square	2135	
P.O. Box 31051		
Rochester, NY 14603-1051	DATE MAILED: 03/30/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/838,933	EDWARDS ET AL.
	Examiner	Art Unit
	Monplaisir G Hamilton	2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 April 2001*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-44* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-44* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *20 April 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date *2-5*.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____ .

U.S. Patent and Trademark Office

PTOL-326 (Rev. 1-04)   Office Action Summary   Part of Paper No./Mail Date 6

DETAILED ACTION

1.   Claims 1-44 are pending.

Information Disclosure Statement

2.   The information disclosure statements (IDS) submitted on 4/20/01, Paper No. 2;

10/17/01, Paper No. 3; 9/21/02, Paper No. 4; and 4/3/02, Paper No. 5 are in compliance with the

provisions of 37 CFR 1.97. Accordingly, the information disclosure statements are being

considered by the examiner.

Double Patenting

        The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public
policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right
to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11
F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van
Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and,
In re Thorington, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).
        A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual
or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or
patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).
        Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A
terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3.   Claims 1, 12 , 23 and 34 has been provisionally rejected under the judicially created

doctrine of obviousness-type double patenting as being unpatentable over Claims 1, 12, 19, and

30 of copending Application No. 10/058268.

Table 1-Claim 1, 23 and 40 vs. Claim 1 and 23	
Application-1: 09/838,933	Application-2: 10/058,268
1 (23). A system for enabling *one or more arbitrary* components to *communicate with* each other, the system comprising: a first component *associated with one or more* universal interfaces; and a second component *obtaining one of the one or more universal interfaces associated with the first component and* invoking *the at least one of* the universal interfaces *to communicate* with the first component.	1 (23). A system for enabling components to **transfer data between** each other, the system comprising: a first component **having a** universal **data transfer** interface; and a second component invoking the universal **data transfer** interface **to use a data transfer session object to transfer data between** the first component and at least one of the components.

Although the conflicting claims are not identical, they are not patentably distinct from each other because of the following reasons. Examiner believes that the communicating claimed in Application-1, is equivalent to claimed transferring data, as defined in Application-2. Furthermore, during a communication session, between the components of Claim 1, a session is created that identifies the components that are in communication with each other. This is an inherent feature in the communication process of Application-1. Therefore, examiner believes that the claimed transfer session object, of Application-2 is an obvious modification to the communication system disclosed in Application-1. Claim 23 and 40 of Application-1, embody a computer-readable medium and a signal wave respectively. The embodiments of Claim 23 and 40 recite limitations identical to that of Application-1, Claim 1. Claim 23 of Application-2, is a computer-readable embodiment of Application-2 Claim 1. Therefore an analysis equivalent to that of Claim 1 for each application is applied to Claim 23 of each application, the computer-readable medium of each application.

Table 2-Claim 12 vs. Claim 12	
Application-1: 09/838,933	Application-2: 10/058,268
12. A method for *enabling one or more arbitrary* components to *communicate with* each other, the method comprising: *obtaining one of one or more universal interfaces associated with a first component*; and invoking *at least one of* the universal interfaces to *communicate with* the first component.	12. A method for enabling components to **transfer data between** each other, the-method comprising: invoking a universal **data transfer** interface to obtain **a data transfer session object**; and **using the data transfer session object to transfer data** between a first component and **at least one of the components**.

Although the conflicting claims are not identical, they are not patentably distinct from each other because of the following reasons. Examiner believes that the communicating claimed in Application-1, is equivalent to claimed transferring data, as defined in Application-2. Furthermore, during a communication session, between the components of Claim 1, a session is created that identifies the components that are in communication with each other. This is an inherent feature in the communication process of Application-1. Additionally, the claimed invoking of Application-2, requires that the universal data transfer interface be obtained. Both Application-1 and Application-2 require the invoking step to begin the claimed communication/data transfer. Therefore, examiner believes that the claimed transfer session object, of Application-2 is an obvious modification to the communication system disclosed in Application-1.

Table 3-Claims 12 and 23 vs. Claims 19 and 30	
Application-1: 09/838,933	Application-2: 10/058,268
12 (23). A method for *enabling one or more arbitrary* components to *communicate with* each other, the method comprising: *obtaining one of one or more universal interfaces associated with a first component*; and invoking *at least one of* the universal interfaces to *communicate with* the first component.	19 (30). A method for enabling components to **transfer data between** each other, the method comprising: invoking a **first** universal data transfer interface **and a second universal data transfer interface**; obtaining **a data transfer session object from one of the invoked** first universal **data transfer** interface or the second universal **data transfer** interface; and using the **data transfer session object** to **transfer data** between a first component and a second component.

Although the conflicting claims are not identical, they are not patentably distinct from each other because of the following reasons. Examiner believes that the communicating claimed in Application-1, is equivalent to claimed transferring data, as defined in Application-2. Furthermore, during a communication session, between the components of Claim 1, a session is created that identifies the components that are in communication with each other. This is an inherent feature in the communication process of Application-1. Additionally, the claimed invoking of Application-1, requires that at least one of the universal data transfer interface invoked. This suggests that 2 or more interfaces can be invoked as well. Furthermore, both Application-1 and Application-2 require the invoking step to begin the claimed communication/data transfer. Therefore, examiner believes that the claimed transfer session object, of Application-2 is an obvious modification to the communication system disclosed in Application-1.

Claim 30 of Application-2 is a computer readable medium embodiment to Claim 19 of

Application-2. Furthermore, Claim 23 of Application-1 is a computer readable medium

embodiment of Claim 12. Therefore, Applicatoin-2 Claim 30 is rejected using an analysis

equivalent to the one applied to Claim 12 of Application-1 and 19 of Application-2.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this
or a foreign country, before the invention thereof by the applicant for a patent.

4.   Claims 1-4, 6-8, 10-15, 17-19, 21-26, 28-30, 32-37, 39-41 and 43-44 are rejected under

35 U.S.C. 102(a) as being anticipated by A Web-Based Nomadic Computing System, by

Kindberg et al, herein referred to as Kindberg. (Please refer to MPEP 707.05(f) referring to

Declassified Material.)

Referring to Claims 1, 12, 23:

Kindberg discloses a system for enabling one or more arbitrary components to

communicate with each other (page 1, Abstract, lines 1-5), the system comprising: a first

component associated with one or more universal interfaces (page 6, Place Managers, lines 6-

13); and a second component obtaining one of the one or more universal interfaces associated

with the first component and invoking the at least one of the universal interfaces to communicate

with the first component (page 9, Setting options on the sink, lines 5-18).

Referring to Claim 34:

Kindberg discloses computer data signal embodied in a carrier wave for enabling one or

more arbitrary components to communicate with each other, the signal comprising: a first source

code segment having instructions for causing a first component to obtain one of one or more

universal interfaces associated with a second component (page 9, Setting options on the sink,

lines 5-18); and a second source code segment having instructions for causing the first

component to invoke at least one of the universal interfaces to communicate with the second

component (page 9, Setting options on the sink, lines 1-10; page 6, Place Managers, lines 6-13).

Referring to Claim 2, 13, 24 and 35:

Kindberg discloses the limitations of Claims 1, 12, 23 and 34 above. Kindberg further

discloses wherein the first component transfers a data object to the second component, the data

object having the one or more universal interfaces (page 9, Setting options on the sink, lines 15-

18).

Referring to Claims 3, 14, 25 and 36:

Kindberg discloses the limitations of Claims 1, 12, 23 and 34 above. Kindberg further

discloses the first component transfers a data object to the second component, the data object

having instructions and data for accessing the one or more universal interfaces (page 7, Physical

registration: defining a place: lines, 1-5; page 9, Setting options on the sink, lines 15-18).

Referring to Claims 4, 15, 26 and 37:

Kindberg discloses the limitations of Claims 1, 12, 23 and 34 above. Kindberg further

discloses the second component has instructions and data for accessing a data object, the data

object having the one or more universal interfaces (page 8, Direct content post: lines 10-19).

Referring to Claims 6, 17, 28 and 39:

Kindberg discloses the limitations of Claims 1, 12, 23 and 34 above. Kindberg further

discloses the second component has instructions and data for using; the one or more universal

interfaces (page 8, Direct content post: lines 10-19).

Referring to Claims 7, 18, 29 and 40:

Kindberg discloses the limitations of Claims 1, 12, 23 and 34 above. Kindberg further

discloses a third component transfers a data object to the second component, the data object

having the one or more universal interfaces associated with the first component (Fig. 5B; page 8,

Indirect content post: lines 8-15).

Referring to Claims 8, 19, 30 and 41:

Kindberg discloses the limitations of Claims 1, 12, 23 and 34 above. Kindberg further

discloses the one or more universal interfaces comprise a data source interface, a data sink

interface, an aggregation interface, a mutable aggregation interface, a context interface, a

notification interface or a user interface (page 9, Setting options on the sink: lines 10-18).

Referring to Claims 10, 21, 32 and 43:

Kindberg discloses the limitations of Claims 1, 12, 23 and 34 above. Kindberg further discloses one of the one or more universal interfaces comprise a source-specific data transfer session having instructions for converting data transferred through the source-specific data transfer session (page 8, Direct content post: lines 10-19).

Referring to Claims 11, 22, 33 and 44:

Kindberg discloses the limitations of Claims 1, 12, 23 and 34 above. Kindberg further discloses the one or more arbitrary components comprise a computer system, device, network service, application, data, memory, file directory or individual file (Fig 2; page 2, Nomadic computing model: lines 10-12).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 5, 9, 16, 20, 27, 31, 38 and 42 are rejected under 35 U.S.C. 103(a) as being

unpatentable over A Web-Based Nomadic Computing System, by Kindberg et al, herein referred

to as Kindberg in view of "The JINI Architecture for Network-Centric Computing", by Jim

Waldo, herein referred to as Waldo.

Referring to Claims 5, 16, 27 and 38:

Kindberg discloses the limitations of Claims 1, 12, 23 and 34 above.

Kindberg does not explicitly disclose "the second component interacts with an operating

system environment, the operating system environment having instructions and data for

accessing a data object having the one or more universal interfaces".

Waldo discloses the second component interacts with an operating system environment

the operating system environment having instructions and data for accessing a data object having

the one or more universal interfaces (page 78, A simple set of Conventions: lines 1-20).

At the time the invention was made, it would have been obvious to a person of ordinary

skill in the art to modify the teachings of Kindberg such that the second component interacted

with an OS environment, when accessing the data objects. One of ordinary skill in the art would

have been motivated to do this because it would allow the objects/features already available on

to the operating system, to be available to the second client via code mobility (Waldo: page 78-79, Jini and Java: lines 1-10).

Referring to Claims 9, 20, 31 and 42:

Kindberg discloses the limitations of Claims 1, 12, 23 and 34 above. Kindberg discloses providing one or more user interfaces to allow one or more components to be accessed or manipulated, allowing one or more components to provide event notifications or retrieving contextual data associated with the second component (page 4, Content and Physical discovery: lines 5-10;page 8, Context Exchange: lines 1-5).

Kindberg does not explicitly disclose "the one or more universal interfaces comprise object-oriented mobile code having instructions for obtaining, interpreting, viewing or modifying data associated with one or more collections of components."

Waldo discloses the one or more universal interfaces comprise object-oriented mobile code having instructions for obtaining, interpreting, viewing or modifying data associated with one or more collections of components (page 79: Jini and Java: lines 3-20).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the teachings of Kindberg such that the one or more universal interfaces comprise object-oriented mobile code having instructions for obtaining, interpreting, viewing or modifying data associated with one or more collections of components. One of ordinary skill in the art would have been motivated to do this because it would allow objects/features/forms/interfaces already available on to the operating system, to be available to the second client via code mobility (Waldo: page 78-79, Jini and Java: lines 1-10).

Prior Art

6.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

US 20020029256 issued to Zintel, William M. et al. Zintel discloses a universal plug and play

(UPnP) device makes itself known through a set of processes-discovery, description, control,

eventing, and presentation. Following discovery of a UPnP device, an entity can learn more

about the device and its capabilities by retrieving the device's description. The description

includes vendor-specific manufacturer information like the model name and number, serial

number, manufacturer name, URLs to vendor-specific Web sites, etc. The description also

includes a list of any embedded devices or services, as well as URLs for control, eventing, and

presentation. The description is written by a vendor, and is usually based on a device template

produced by a UPnP forum working committee. The template is derived from a template

language that is used to define elements to describe the device and any services supported by

the device. The template language is written using an XML-based syntax that organizes and

structures the elements.

US 6658464 issued to Reisman, Richard R. Reisman discloses a method for operating a

user station configured for communications with a multiplicity of independently-operated data

sources via a non-proprietary network includes steps of receiving a first data object from one of

the data sources, and automatically pre-fetching a plurality of additional data objects of

arbitrary type referenced by the first data object from respective other ones of the

independently-operated data sources identified by information embedded in the first data object.

Corresponding software is also described.

US 6125388 issued to Reisman, Richard R. Reisman discloses a novel electronic

information transport component can be incorporated in a wide range of electronic information

products, for example magazine collections, to automate the mass distribution of updates, such

as current issues, from a remote server to a wide user base having a diversity of computer

stations. Advantages of economy, immediacy and ease of use are provided. Extensions of the

invention permit automated electronic catalog shopping with order placement and, optionally,

order confirmation. A server-based update distribution service is also provided.
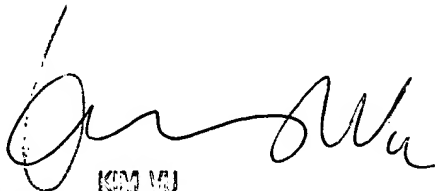
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monplaisir G Hamilton whose telephone number is (703) 305-5116. The examiner can normally be reached on Monday - Friday (8:00 am - 4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y Vu can be reached on (703) 305-4393. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Monplaisir Hamilton

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